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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Peter B. Inc., et al.,

NO. C 10-04454 JW

Plaintiffs,

**ORDER VACATING CASE
MANAGEMENT CONFERENCE**

v.

Comerica Bank, et al.,

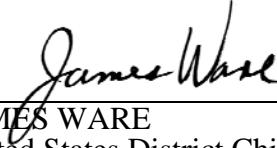
Defendants.

/

This case is scheduled for a Case Management Conference on February 28, 2011. The parties submitted individual Case Management Statements. (See Docket Item Nos. 18, 19.) In their Statements, the parties contend that they have been unable to meet and confer, as Plaintiff's counsel has encountered a conflict with Plaintiff and will be withdrawing from representation. (Id.) Further, on January 18, 2011, Defendants filed a Motion to Dismiss that is set for a hearing on March 14, 2011. (See Docket Item No. 10.)

In light of the pending dispositive Motion, the Court finds that a Preliminary Pretrial Conference would be premature at this time. Accordingly, the Court VACATES the February 28 Conference.¹ The Court will set a new Case Management Conference date in its Order addressing Defendants' Motion to Dismiss, if necessary.

Dated: February 22, 2011


JAMES WARE
United States District Chief Judge

¹ In light of the Court's vacating the February 28 Conference, Plaintiff's counsel's Motion to Appear Telephonically is DENIED as moot. (See Docket Item No. 20.)

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Donald James Pool donp@wtcap.com
3 Hal David Goldflam hgoldflam@frandzel.com
3 Kevin John Mirch mirch@charterinternet.com
4 Marie C. Mirch bobogriz@aol.com

5 **Dated: February 22, 2011**

Richard W. Wiking, Clerk

6
7 **By: /s/ JW Chambers**
Elizabeth Garcia
8 Courtroom Deputy